

U.S. Patent Application Serial No. 10/005,182  
Applicant: Cohen, et al.

### **REMARKS**

The undersigned attorney thanks Examiner Pesin for his careful review of this patent application and for his time in participating in a telephone conference on April 19, 2005. Reconsideration of the present application is respectfully requested in view of the following remarks. Claims 3-47 and 64-74 are currently pending in this Application with claims 3, 7, 10-15, 25, 31-32, 34-38, 45, and 64-72 being amended, claims 48-63 being canceled, claims 1-2 being canceled by a previous amendment, and claims 73-74 being added. Prior to entry of this amendment, claims 3-47 and 64-72 were pending in the application and 48-63 were withdrawn. Claims 3-47, and 64-72 were rejected.

### **Examiner Interview on April 19, 2005**

During the telephone conference on April 19, 2005, Examiner Pesin, Examiner Kincaid and the undersigned attorney discussed the pending claims and the cited references. No agreement was reached.

### **Claim Rejections**

Claims 3-47 and 64-72 were initially rejected under 35 U.S.C. § 102(b) as being anticipated by RSW Software (E-Test Suite). As discussed with Examiner Pesin during the Examiner Interview, the E-Test Suite discloses a software package for testing a web site to ensure that it is capable of handling a large amount of web traffic accurately. As described in the reference, the E-Test Suite simulates user interactions and tests whether the web page responds accurately. The value of software packages, such as E-Test, is that they allow a web page tester to simulate a large volume of user traffic prior to making the web site available to the public. Web sites may have difficulty handling a large number of simultaneous requests, and the E-Test Suite can uncover such problems prior to release.

The present invention is directed towards a significantly different problem. Users interact with various systems, including web sites, through a variety of user interfaces. If the user interface is well constructed, the users may navigate the site efficiently. If the user interface is not well constructed, users may navigate the site in a very inefficient manner and may have

U.S. Patent Application Serial No. 10/005,182

Applicant: Cohen, et al.

difficulty completing desired tasks. One aspect of the present invention monitors users to determine how they perform a particular task. The Applicants respectfully submit that monitoring users to determine how they perform a task is significantly different from monitoring a web site to determine whether it successfully responds to user requests.

Nonetheless, the Applicant has amended claim 3 to highlight certain distinctions between the present invention and the prior art. Accordingly, claim 3 was amended to recite that "at least one of the user accesses is to an object of interest that is not in the task sequence." This additional element highlights that some users will not perform the predefined task perfectly. Rather, on occasion, a user may take an extra step to perform a task or may perform a step out of order. The E-Test Suite does not teach or disclose such an element because all of the user sequences are predefined. Further, to the extent the E-Test Suite even has "tasks", they are defined by the user accesses. Therefore, the user accesses and the "tasks" are always the same.

Thus, it is respectfully submitted that claim 3 is patentably distinguishable over the cited art and Applicants respectfully request passing of the case to issuance in due course of Patent Office business. Dependent claims 7, 10-15, 25, 31-32, 34-38, and 45 have been amended to reflect the language of amended claim 3. Also, Applicants respectfully submit that dependent claims 7, 10-15, 25, 31-32, 34-38, and 45 are also allowable for the various additional limitations contained therein, which further distinguish the prior art.

As discussed during the Examiner Interview, claim 64 requires the step of "filtering user accesses." Examiner Pesin stated that he felt that the E-Test Suite identification of "Best Time", "Worst Time", and "Average Time" constituted "filtering user accesses." While the Applicants respectfully disagree with the Examiner's interpretation of "filtering", claim 64 has been amended to clarify the filtering step. Accordingly, claim 64 has been amended to recite the step of "filtering user accesses by comparing the task sequence to the data representative of one or more sequences of user accesses" and "displaying information regarding how the filtered users accessed the objects of interest." Thus, the Applicant highlights the use of filtering based on a comparison of the "task sequence" to user accesses. The E-Test Suite does not teach or disclose filtering based on any comparison between a "task sequence" and "data representative of one or more sequences of user accesses. Rather, to the extent the E-Test Suite filters, it filters based on

U.S. Patent Application Serial No. 10/005,182

Applicant: Cohen, et al.

web site response time. Such response time filtering is not concerned with a comparison of the task sequence to sequences of user accesses.

Thus, it is respectfully submitted that claim 64 is patentably distinguishable over the cited art and Applicants respectfully request passing of the case to issuance in due course of Patent Office business. Dependent claims 65-72 have been amended to reflect the language of amended claim 64. Also, Applicants respectfully submit that dependent claims 65-72 are also allowable for the various additional limitations contained therein, which further distinguish the prior art.

Dependent claims 4-47 and 65-72 were initially rejected based on the E-Test Suite and the E-Test Suite in combination with U.S. Patent Nos. 6,665,715; 6,598,077; and 6,589,291. Each of these rejections are moot in light of the amendments to claims 3 and 64. However, the Applicants respectfully submit that each of the dependent claims are independently patentable over the cited references for the additional limitations contained therein.

New claims 73-74, depending from independent claims 3 and 64 respectively, have been added. Claims 73-74 do not introduce any new matter. Claims 73-74 add the further limitation that the sequences of user accesses are representative of physical users. As suggested by Examiner Pesin, the inclusion of physical users likely distinguishes the simulated users used in the E-Test Suite. Accordingly, it is respectfully submitted that claims 73-74 are in condition for allowance.

Therefore, Applicants respectfully submit that the rejections should be withdrawn and Claims 3-47 and 65-74 are in condition for allowance.

U.S. Patent Application Serial No. 10/005,182  
Applicant: Cohen, et al.

### FEES

Through the present *Response to Final Office Action*, sixteen claims were canceled and two dependent claims were added. Thus, no additional claims fees are due. However, the Commissioner is authorized to debit deposit account No. 20-1507 for any required fees.

### CONCLUSION

The foregoing is submitted as a full and complete response to the *Final Office Action* mailed March 14, 2005. It is respectfully submitted that claims 3-47 and 65-74 are in condition for allowance and that each point raised in the *Final Office Action* with regard to these claims has been fully addressed. Therefore, it is respectfully requested that the rejections be withdrawn and that the case be processed to issuance in accordance with Patent Office Business.

If the Examiner believes that there are any issues that can be resolved by a telephone conference, or that there are any informalities that can be corrected by an Examiner's amendment, please contact James Schutz at 404.885.3498.

Respectfully submitted,

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